

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

AARON L. ESPENSCHEID,
GARY IDLER,
RICHARDO BOLANO,
on behalf of themselves and a class of
employees and/or former employees
similarly situated,

Plaintiffs,
v.

Case No. 09-cv-625

DIRECTSAT USA, LLC,
and
UNITEK USA, LLC

Defendants.

**AFFIDAVIT OF HEATH P. STRAKA
IN SUPPORT OF MOTION TO COMPEL**

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

1. My name is Heath P. Straka. I am a licensed attorney in the State of Wisconsin. I am a partner at Gingras, Cates & Luebke, S.C. and one of the attorneys representing the Plaintiff in this case.

2. A true and correct copy of Plaintiff's First Set of Interrogatories and First Request for Production of Documents is attached hereto as Exhibit A.

3. A true and correct copy of the December 29, 2009 email from John Elliott to Michael Modl is attached hereto as Exhibit B.

4. A true and correct copy of Defendants' Response to Plaintiff's First Set of Interrogatories is attached hereto as Exhibit C.

5. A true and correct copy of the letter from Michael Modl to John Elliott dated February 8, 2010 is attached hereto as Exhibit D.

6. A true and correct copy of the February 10, 2010 email from John Elliott to Michael Modl and others is attached hereto as Exhibit E.

7. A true and correct copy of Defendants' Response to Plaintiff's First Request for Production of Documents is attached hereto as Exhibit F.

8. A true and correct copy of the transcript of the July 29, 2008 deposition of Elizabeth Downey taken in Monroe, et al. V. UNITEK, et al. (US District Court Western District of Tennessee, Case No. 2:08-cv-2100) is attached hereto as Exhibit G.

9. On January 27, 2010 the parties conferred telephonically in an effort to resolve their disagreement regarding the issues presented in Plaintiffs' Motion to Compel.

10. Plaintiff certifies that Plaintiffs' counsel has in good faith conferred with Defendants regarding their failure to make disclosure in the above-captioned matter, as fully set forth in Rule 37(a), Fed. R. Civ. P.

/s/ Heath P. Straka
Heath P. Straka

Subscribed and sworn to before me
this 12th day of February, 2010.

/s/ Kay Fritsch
Kay Fritsch
Notary Public State of Wisconsin
My Commission Expires: 12/9/12.